IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

and
THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 6509 of 2005

Between:

P.R.Subas Chandran, S/o.Raju Naidu, R/o.6-3-600-A/2/1, Tejaswini Apartments, Hiltop Colony, Errum Manzil, Hyderabad.

..... PETITIONER

AND

1 The Election Commission of India rep. by the Chief Election

Commissioner,Nirvachan Sadan, New Delhi.
2 The Secretary, State of Andhra Pradesh, General Administration

Department, Secretariat, Hyderabad.
3 The State Election Commission rep. by the Secretary, Buddha

Bhavan, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction(s) essentially in the nature of writ of Mandamus declaring the action of the respondent No.1 herein in refusing the supply the required number of Electronic voting Machines to the Respondents No.2 and 3 herein as a result of which the respondents No.2 and 3 proposing to purchase new Electronic voting Machines at the cost of Rs.20 Crores instead of taking the matter to the Government of India or any authority to persuade the Respondent No.1 to part with the required number of Electronic voting Machines for the purpose of conducting elections in the Municipalities and other Local Bodies as illegal and arbitrary and consequently direct the respondent No.1 herein to make available the required number of Electronic voting Machines at the disposal of the State Election Commission and the state of Andhra Pradesh for using them in the Local body Elections scheduled to be held in the near future, and pass any such other order or orders as this Hon'ble High court may deem fit, proper and necessary in the circumstances of the case.

Counsel for the Petitioner:MR.K.ASHOK REDDY (Not present)
Counsel for the Respondent No.1: MR.C.P.SARATHY
Counsel for Respondent No.2:G.P. for Home/G.P. for G.AD.
Counsel for Respondent No.3:MR.V.V.PRABHAKAR RAO

The Court at the stage of admission made the following :

O R D E R (Per the Hon'ble Sri Bilal Nazki, ACJ)

Nobody appears for the petitioner. Learned counsel for the first respondent is present.

The grievance of the petitioner was that the Election Commission of India had refused to provide electronic voting machines to the respondents 2 and 3 for conduct of Local Body elections, and as a result, the respondents 2 and 3 had to incur a cost of Rs.20 crores to purchase the machines.

Learned counsel for the first respondent has placed on record a communication received by him from the Election Commission of India, by which, it transpires that the Election Commission of India has agreed to provide the machines to the State Election commission for conduct of elections to the Local Bodies and the decision has been taken in the meeting between the State Election Commission and the Election Commission of India. In view of this communication, we do not think that any further orders are needed to be passed in this writ petition.

The writ petition is accordingly disposed of. No order as to costs.

(Bilal Nazki, ACJ)

28th April, 2005.

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(Dr.G.Yethirajulu,J)

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To

1 The Chief Election Commissioner, Election Commission of India

Nirvachan Sadan, New Delhi.
2 The Secretary, State of Andhra Pradesh, General Administration

Department, Secretariat, Hyderabad.
3 The Secretary, State Election Commission, Buddha Bhavan,

Secunderabad.

4 Two C.Cs to the G.P. for G.AD, High Court Buildings, A.P.,

Hyderabad (OUT)

5 Two C.Cs to the G.P. for Home, High Court Buildings, A.P.,

Hyderabad (OUT)

6 Two C.D copies.